

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
12/10/2001

12/06/2001

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2001-015383

Docket Code 019

FILED: _____

ROSA FLORES

ROSA FLORES
13655 E GERONIMO RD
SCOTTSDALE AZ 85259-0000

v.

MANUEL FLORES

STANLEY SILAS

COURT ADMIN-CIVIL-CCC
PHX JUSTICE CT-E1
REMAND DESK CV-CCC

MINUTE ENTRY

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Sections 12-124(A) and 12-1179(A).

This matter has been under advisement since November 23, 2001 and the Court has considered the Memoranda submitted by counsel and the record of the proceedings from the East Phoenix #1 Justice Court. This Court notes that no transcript or tape recording of any of the proceedings has been preserved and provided to this Court in aid of this appeal.

All of Appellant's claimed errors (lack of subject matter jurisdiction, failure of the Notice requirements, the insufficiency of the evidence) are unsupported by the record. In fact, Appellant had the opportunity to request a recording of the trial in this case and failed to do so. Appellant is not entitled to a *Trial de Novo*, and, more importantly, in the absence of evidence to the contrary, this Court must presume that an absent record would support the trial court's determination and judgment.

IT IS THEREFORE ORDERED affirming the judgment of the East Phoenix #1 Justice Court.

IT IS FURTHER ORDERED remanding the matter back to the East Phoenix #1 Justice Court for all further and future proceedings.